

02-11-02

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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JC698 U.S. PTO
20/50/20

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	
Attorney Docket No. <u>005489.P001</u> (maximum 12 characters)	
First Named Inventor <u>Seok-Hyun Yun, et al.</u>	
Title: <u>AN ACOUSTO-OPTIC TUNABLE FILTER HAVING IMPROVED WAVE-DAMPING CAPABILITY</u>	
Express Mail Label No. <u>EL 867552299 US</u>	

J1150 U.S. PTO
20/50/20

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant Claims Small Entity Status (37 CFR 1.27)
3. Specification (Total Pages 28)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 USC 113) (Total Sheets 7)
5. Oath or Declaration (Total Pages 6)
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 18 completed)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
 - c. Unsigned
6. Application Data Sheet (37 CFR 1.76)
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))

10. a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
 b. Power of Attorney

11. English Translation Document (if applicable)

12. a. Information Disclosure Statement (IDS)/PTO-1449
 b. Copies of IDS Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503) (should be specifically itemized)

15. Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. Other: Certificate of Express Mail with copy of postcard showing contents.

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)
Of Prior Application No.: _____ **Examiner** _____ **Group Art Unit** _____
(which is a continuation/ divisional/ CIP of prior application no. _____,
which is a continuation/ divisional/ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that _____ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. _____ Frame No. _____ (or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label _____
or _____ (Insert Customer No. or Attach Bar Code Label here)

Correspondence Address Below

NAME _____
Stephen M. De Klerk
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS _____
12400 Wilshire Boulevard
Seventh Floor

CITY _____ Los Angeles STATE _____ California ZIP CODE _____ 90025-1026

Country _____ U.S.A. TELEPHONE _____ (408) 720-8300 FAX _____ (408) 720-8383

Name (PRINT/TYPE) _____ Stephen M. De Klerk Registration No. _____ 46,503

Signature: _____ Date: _____ February 5, 2002

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor Seok-Hyun Yun
Title AN ACOUSTO-OPTIC TUNABLE FILTER HAVING IMPROVED WAVE-DAMPING CAPABILITY

Attorney Docket No. 005489.P001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 5, 2002

Date



Signature

Stephen M. De Klerk

Typed or Printed Name

46,503

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL 867552299 US

Date of Deposit: February 5, 2002

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C., 20231.

Linda K. Brost

(Typed or printed name of person mailing paper or fee)

Linda K. Brost

(Signature of person mailing paper or fee)

February 5, 2002

(Date signed)

EL 867552299 US

Serial/Patent No.: Not Yet Assigned Filing/Issue Date: Herewith

Client: Novera Optics, Inc.

Title: AN ACOUSTO-OPTIC TUNABLE FILTER HAVING IMPROVED
WAVE-DAMPING CAPABILITY

bstz File No.: 005489.P001 Atty/Secty Initials: LJV/SMD/1kb

Date Mailed: February 5, 2002 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input checked="" type="checkbox"/> Express Mail No.: <u>EL867552299US</u> <input checked="" type="checkbox"/> Check No. <u>48103</u>
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Month(s) Extension of Time <input type="checkbox"/> Amt: <u>\$860.00</u>
<input checked="" type="checkbox"/> Application - Utility <u>28</u> pgs., with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO-149 (____ pgs.) <input type="checkbox"/> Check No. _____
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Amt: _____
<input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)	<input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Application - Design (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Preliminary Amendment (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Reply Brief (____ pgs.)
<input type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Response to Notice of Missing Parts
<input checked="" type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business
<input checked="" type="checkbox"/> Declaration & POA <u>6</u> pgs. (unsigned)	<input checked="" type="checkbox"/> Transmittal Letter, in duplicate <u>{2 pgs.}</u>
<input type="checkbox"/> Enclose Docs & Obj & Copy of Inventor's Signed Letter (____ pgs.)	<input checked="" type="checkbox"/> Fee Transmittal, in duplicate <u>{2 pgs.}</u>
<input checked="" type="checkbox"/> Drawings: <u>7</u> # of sheets includes <u>17</u> figures	
 <input checked="" type="checkbox"/> Other: <u>Certificate of Express Mailing with copy of postcard showing contents of Express Mail packet. Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i). [Foreign-filing docketing to be based only on filing date of provisional application, 3/16/01.]</u>	

FEE TRANSMITTAL FOR FY 2002

TOTAL AMOUNT OF PAYMENT (\$) \$860.00

Complete if Known:

Application No. Not Yet Assigned
 Filing Date Herewith
 First Named Inventor Seok-Hyun Yun
 Group Art Unit Not Yet Assigned
 Examiner Name Not Yet Assigned
 Attorney Docket No. 005489.P001

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 02-2666
 Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27.

2. Payment Enclosed: X Check
 Money Order
 Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity				
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		
101	740	201	370	Fee Description	
106	330	206	165	Utility application filing fee	<u>\$740.00</u>
107	510	207	255	Design application filing fee	<u></u>
108	740	208	370	Plant filing fee	<u></u>
114	160	214	80	Reissue filing fee	<u></u>
				Provisional application filing fee	<u></u>
				SUBTOTAL (1)	<u>\$740.00</u>

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	<u>22</u>	<u>- 20** = 2</u>	<u>X \$ 18.00</u>	<u>= \$ 36.00</u>
Independent Claims	<u>4</u>	<u>- 3** = 1</u>	<u>X 84.00</u>	<u>= 84.00</u>
Multiple Dependent				

**Or number previously paid, if greater; For Reissues, see below.

Large Entity	Small Entity				
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		
103	18	203	9	Fee Description	
102	84	202	42	Claims in excess of 20	<u></u>
104	280	204	140	Independent claims in excess of 3	<u></u>
109	84	209	42	Multiple dependent claim, if not paid	<u></u>
110	18	210	9	**Reissue independent claims over original patent	<u></u>
				**Reissue claims in excess of 20 and over original patent	<u></u>
				SUBTOTAL (2)	<u>\$ 120.00</u>

FEE CALCULATION (continued)

3. ADDITIONAL FEES

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
105	130	205	65 Surcharge - late filing fee or oath
127	50	227	25 Surcharge - late provisional filing fee or cover sheet
139	130	139	130 Non-English specification
147	2,520	147	2,520 For filing a request for ex parte reexamination
099	8,800	099	8,800 Request for inter partes reexamination
112	920*	112	920* Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action
115	110	215	55 Extension for response within first month
116	400	216	200 Extension for response within second month
117	920	217	460 Extension for response within third month
118	1,440	218	720 Extension for response within fourth month
128	1,960	228	980 Extension for response within fifth month
119	320	219	160 Notice of Appeal
120	320	220	160 Filing a brief in support of an appeal
121	280	221	140 Request for oral hearing
138	1,510	138	1,510 Petition to institute a public use proceeding
140	110	240	55 Petition to revive unavoidably abandoned application
141	1,280	241	640 Petition to revive unintentionally abandoned application
142	1,280	242	640 Utility issue fee (or reissue)
143	460	243	230 Design issue fee
144	620	244	310 Plant issue fee
122	130	122	130 Petitions to the Commissioner
123	50	123	50 Processing fee/provisional applications; 37 CFR 1.17(q)
126	180	126	180 Submission of Information Disclosure Stmt.
581	40	581	40 Recording each patent assignment per property (times number of properties)
146	740	246	370 For filing a submission after final rejection (see 37 CFR 1.129(a))
148	110	248	55 Statutory Disclaimer
149	740	249	370 For each additional invention to be examined (see 37 CFR 1.129(b))
169	900	169	900 Request for expedited examination of a design application
179	740	279	370 Request for Continued Examination (RCE)
194	130	194	130 Request for voluntary publication or republication
195	300	195	300 Publication fee for early, voluntary, or normal pub.
196	300	196	300 Publication fee for republication
098	130	098	130 Processing fee under 37 C.F.R. 1.17(i) (except provisionals)
091	1,280	091	1,280 Acceptance of unintentionally delayed claim for priority

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Stephen M. De Klerk

Signature: Stephen M. De Klerk Date: February 5, 2002

Reg. Number: 46,503 Telephone Number: (408) 720-8300